

Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
September 9, 2008, 6:30 p.m.

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Commissioners John Lynch, Darrel Eisenhardt, Bob Schulte and Bob Henney were present. Aldermen Tom Vos and Town of Burlington Representative Phil Peterson Alderman were excused. Alderman Steve Rauch was absent. Also present were: City Administrator Kevin Lahner, City Planner Patrick Meehan of Meehan & Company, Inc. and Building Inspector/Zoning Administrator Patrick Scherrer.

APPROVAL OF MINUTES

Commissioner Schulte moved and Commissioner Henney seconded to approve the minutes of August 12, 2008. All were in favor and the motion carried.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

A. A Public Hearing to consider a Conditional Use Application from Christopher Haase of Sacred Image Tattoo Shop for property to be located at 580/84 N. Pine Street to use as a tattoo and body piercing establishment.

Mayor Miller opened the public hearing at 6:34 p.m.

Al Strelbicki, 572 N. Pine Street, expressed his concerns regarding having a tattoo shop in the downtown historic district, more specifically on the main road. He feels it is inappropriate for the image of downtown Burlington.

Commissioner Lynch moved and Commissioner Henney seconded to close the public hearing. All were in favor and the motion carried. The public hearing was closed at 6:35 p.m.

B. A Public Hearing to consider a Conditional Use Application from Thomas Mendicino for property located at 817 N. Pine Street to use as an automotive detail shop.

Mayor Miller opened the public hearing at 6:35 p.m.

There were no public comments.

Commissioner Schulte moved and Commissioner Eisenhardt seconded to close the public hearing. All were in favor and the motion carried. The public hearing was closed at 6:36 p.m.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Conditional Use Application for Sacred Image Tattoo Shop to be located at 580/84 N. Pine Street, subject to Kapur and Associates' August 22, 2008 and Patrick Meehan's August 31, 2008 memorandums to the Plan Commission.

Mayor Miller opened this issue for discussion.

Commissioner Lynch stated that he is concerned if this business is appropriate for the area with recent and on-going revitalization of the downtown. He further stated he is not opposed to the business, just the location.

Commissioner Schulte questioned if this business is currently located in the downtown. Mayor Miller stated that it is located at 241 E. Chestnut Street.

Commissioner Schulte stated he doesn't feel the City has much choice in where a tattoo shop can locate according to state statutes. City Administrator Lahner responded by stating that state statutes can restrict the number of patrons to the business and the business hours.

City Administrator Lahner further stated that at a recent Downtown Business Owner Strategic Planning session, it was discussed that the desire is to make the downtown area more of a high profile location. Mayor Miller agreed with this. Lahner also stated he agrees with Commissioner Lynch that he is not opposed to the type of business, only the proposed location.

Commissioner Schulte stated he is concerned if the tattoo shop located on Milwaukee Avenue is creating a negative image for this type of business. He doesn't feel the applicant should be made an example of because of the other business.

Patrick Meehan stated that the City could revise the ordinance to prohibit service businesses from locating in the downtown area.

Christopher Haase, applicant, approached the commission stating he feels he has a respectable business with the feel of an art store. He has never had an issue with nuisances, does not use neon signs or posters and does not draw a crowd with questionable backgrounds. He further stated his clients, which mainly come from out of town, typically visit other downtown businesses. He stated he is just looking to increase foot traffic to his business by relocating as many people do not know his business exists.

Mayor Miller stated to Mr. Haase that it is not the clientele or type of business the commission is worried about, just the location in regards to the image of the downtown.

Commissioner Eisenhardt questioned what the sign ordinance says about neon signs in the downtown district. Patrick Scherrer explained that the downtown historic district has a special

more restrictive ordinance for signs, which would need to be approved by the Historic Preservation Commission. Mr. Haase explained that he would have a low-key, respectable sign on the exterior.

Mayor Miller explained that a motion would also require the clarification of set hours of business and the amount of employees and patrons that could be in the building at one time. Commissioner Lynch suggested doing what was done previously with the other tattoo shops for consistency purposes. Patrick Meehan explained that each Conditional Use Permit is different and what was previously done would not be relevant in this case.

Commissioner Schulte questioned if there is a business at 580/84 N. Pine right now. Mr. Haase stated there is not.

Commissioner Lynch questioned what the square footage of the building is. Mr. Haase stated approximately 1400 square feet. He also explained that on an average day at his current location, he has roughly three employees and six patrons at a time in the building.

Commissioner Schulte questioned if the Downtown Business Owner Strategic Plan session members are looking to have more restaurants and shops in the downtown area. Mayor Miller stated they are hoping to get more “mom and pop” shops in the area.

Commissioner Schulte motioned to approve the Conditional Use with the hours of 10 a.m.–10 p.m., with a total of ten employees and/or patrons in the building at one time. There was no second and the motion failed.

Commissioner Lynch moved and Commissioner Eisenhardt seconded to table the Conditional Use for Sacred Image Tattoo Shop at 580/84 N. Pine Street. There was a vote of three to one. With the majority in favor, the motion to table carried. This item will be brought back to the October 14, 2008 Plan Commission meeting for consideration.

B. Consideration to approve a Site Plan Application and Conditional Use Application for Thomas Mendicino for property located at 817 S. Pine Street, subject to Kapur and Associates’ August 22, 2008 and Patrick Meehan’s August 31, 2008 memorandums to the Plan Commission.

Mayor Miller opened this issue for discussion.

Commissioner Henney questioned what the hours of business would be. Thomas Mendicino, owner, stated the hours would be 9 a.m. to 8 p.m. Monday through Friday and 9 a.m. to 6 p.m. on Saturdays.

Patrick Meehan mentioned that on Kapur & Associates’ memorandum, item 3, which states, “Per Burlington Zoning Ordinance Chapter 315-48, a minimum setback of 8 ft. from a rear or side lot line of an abutting lot or parcel is required for parking areas serving more than 5 vehicles” would be hard to accomplish with this property. He recommended having the motion reflect this item to be not necessary.

Patrick Scherrer informed the commission that alternatives to the site lighting requirements could be achieved by either shielding the existing lights or replacing the heads with no-glare, direct lighting. Alterations will need to be done to the existing lighting due to the property's proximity to a residential district.

Mayor Miller reminded Mr. Mendicino that mechanical repairs may not be done in the building, only automotive detailing. Mr. Mendicino agreed stating there will only be detailing done.

Commissioner Lynch moved and Commissioner Henney seconded to approve a Site Plan and Conditional Use for Thomas Mendicino at 817 N. Pine Street, subject to Kapur and Associates' August 22, 2008 and Patrick Meehan's August 31, 2008 memorandums to the Plan Commission, excluding item number three in Kapur and Associates' August 22 memorandum as follows:

- Based upon the requirements of Section 315-48(H) and Table 4 of the City Zoning Ordinance, one (1) off-street parking space must be indicated on a revised Site Plan ("Plat of Survey") to serve persons with disabilities and submitted to the City addressing this issue.
- Section 315-48(M) sets forth the minimum required width of off-street parking rows and aisles. Based upon that requirement, a double row and aisle of 90 degree parking spaces must be a minimum of 65 feet in width. This requirement appears to have been met by the proposed Site Plan ("Plat of Survey") except for proposed parking space No. 3 which would not be useable if parking spaces No. 1 or 2 are occupied. Therefore, it is recommended that parking space No. 3 be eliminated and a revised Site Plan ("Plat of Survey") submitted to the City.
- If any new lighting is proposed by the applicant for the proposed use at the subject property, Sections 315-137(25) and 315-26(P) of the City Zoning Ordinance indicate, in part, that a Lighting Plan meeting the following requirements shall be submitted and have, at a minimum, the following elements:
 - 1) A catalog page, cut sheet, or photograph of the luminaire including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cut-off angles.
 - 2) A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire.
 - 3) A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and lighting uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels. This data has been submitted by the applicant.

4) Exterior lighting in the B-1 District shall be limited to total cut-off type luminaires (with angle greater than 90 degrees). The maximum permitted illumination shall be two (2) footcandles (as measured at the property line) and the maximum permitted luminaire height shall be 28 feet as measured from surrounding grade to the bottom of the luminaire.

- Section 315-26(N) of the City Zoning Ordinance indicates a number of requirements for outdoor storage in the B-1 District. Since no outdoor storage is indicated on the proposed Site Plan, Meehan & Company, Inc. assumes that there will be no outdoor storage at the subject property. However, if this should change in the future, the applicant shall meet all of the requirements of Section 315-26(M) of the City Zoning Ordinance regarding outdoor storage.
- Section 315-26(O) of the City Zoning Ordinance indicates the various requirements regarding trash dumpsters and outdoor trash storage. All trash dumpsters shall meet the various requirements of Section 315-26(O) of the City Zoning Ordinance.
- Pursuant to the requirements of Section 315-64(D) of the City Zoning Ordinance, on site directional signs cannot exceed three square feet in area. If such signs are installed, the requirements of Section 315-64(D) shall be met.
- Pursuant to the requirements of Section 315-71(C) of the City Zoning Ordinance, the maximum total sign area of any new freestanding sign for a parcel such as the subject property in the B-1 District is 150 square feet.
- Pursuant to the requirements of Section 315-71(D) of the City Zoning Ordinance, the maximum total sign area for all wall, fascia, awning/canopy, marquee and graphic signs for a parcel such as the subject property in the B-1 District is 1.40 square feet proportionally per 1 linear foot of exterior storefront wall width that fronts on a public street; however, no sign for any 1 exterior storefront which fronts upon any public street or no sign for any 1 tenant which fronts upon any public street shall exceed 200 square feet in area.
- Pursuant to the requirements of Section 315-71(E) of the City Zoning Ordinance, the maximum height of a new freestanding sign for a parcel such as the subject property in the B-1 District is 15 feet. Based upon the materials submitted by the applicant, it appears that there are no physical changes proposed for the existing paving on the subject property. If such changes are anticipated, all such changes would need to be indicated on a revised Site Plan submitted to the City.
- Since the proposed Conditional Use abuts residential development on the southwest, it is recommended that hours of operation be limited from 7:00 am to 10:00 pm daily.
- A topographical map with existing and proposed contouring must be provided to ensure proper site drainage.
- It is unclear if the entire site will be repaved or if pavement will only be added for the additional parking. The existing asphalt has cracks and depressions and may need repair. A paving plan needs to be submitted that includes paving construction limits.

- Parking stall number three is directly in front of the entrance to the garage. The stall should be relocated if access to the garage is anticipated on a regular basis.

OTHER MATTERS

None.

ADJOURNMENT

Commissioner Lynch moved and Commissioner Henney seconded to adjourn the meeting at 6:59 p.m. All were in favor and the motion carried.

Adjourned at 6:59 p.m.

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator